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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,267

07/16/2003

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111956.301

9722

21269 7590 01/03/2007
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EXAMINER

MYINT, DENNIS Y

ART UNIT

PAPER NUMBER

2162

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/621,267

Applicant(s)

THOMAS ET AL.

Examiner

Dennis Myint

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on 03 November 2006.
2. Claims 1-26 are pending in this application. Claims 1, 10, 21, 22, and 24 are independent claims. In the Amendment filed on 03 November 2006, claims 1, 10, 12, and 18-22 were amended.

Response to Arguments

3. Applicant's arguments regarding 1-23 have been considered but are not persuasive. As per claims 24-26, Applicant's claims are moot in view of the new grounds(s) of rejection.

Referring to claim 1 and 10, Applicant alleged that *Nothing in Paragraph 0119 or elsewhere in Farenden discloses receiving an applicant request for but is allowing a candidate to only find jobs that match with their candidate profile. Farenden's method of making a candidate fill out a profile to request consideration for searched employment opportunities does not permit the candidate to pick a specific job* (Applicant's Argument Page 9).

To the contrary, Paragraph 0119 of Farenden recites "*Candidates who request consideration for searched employment opportunity 403 must also complete a personal profile 405*". This disclosure teaches candidates can search and

Art Unit: 2162

then specify an employment opportunity (i.e., **searched employment opportunity 403**) and submit a request for said searched employment opportunity (here, notice the singular noun "searched employment opportunity"). In effect, candidate(s) submits request for a specified job (i.e., searched employment opportunity). Particularly note that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argued that *Mittal* does not discuss generating a report profile of "one or more elements of the applicant data for a plurality of applicants" for an employer position (Applicant's argument, Page 9). First of all, Applicant is remind the claim limitation of claim 1 recites "providing a report profile whereby a resulting report relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer **positions**" – not an employer position. In response, Applicant is pointed out that *Mittal* teaches said limitation as "providing a report profile" (i.e., a list of matching jobs) whereby a resulting report relates one or more elements of the applicant data for a plurality of applicants" (i.e., The job seeker information (i.e., resume, dream job posting etc.) is mapped) "to one or more of the employer positions" (i.e. is mapped on the job database at 402). Said disclosure clearly teaches that one more elements of applicant data, i.e., **The job seeker information (i.e., resume, dream job posting etc.)** relate to one or more employer positions, i.e., **job database at 402**. Applicant is suggested to review *Mittal* reference in details.

As per arguments regarding claims 2, 5, 12, and 24-26, the claims are rejected under 35 U.S.C. 103 (a) and mistaken reference to 102 (e) is withdrawn. Since claims 1 and 10 stand rejected dependent claims of 2, 5, 12, 14 also stand rejected. As per claim 24, as responded above, Mittal in view of Farenden teaches the limitation "receiving from a plurality of applicants, an applicant request, wherein each applicant request includes a specified job and mandatory profile information" (Farenden, Paragraph 0019, as responded above), claim 24 stands rejected Mittal in view of Farenden and further in view of Freeman.

Applicant argued on Page 10 of Applicant's Argument that *Freeman does not teach receiving an employer request nor producing a report as a result of the sorting*. It is pointed out that Applicant reviews Figure 3 of Freeman reference which Paragraphs 0079-0080 of Freeman reference. System administrator of Freeman reference produces a report., i.e., ***an active candidate log 560 having a heading portion 562 and a candidate list portion 564***. Also review Paragraph 0069 of Freeman reference, which teaches "*management control portion interface*". As for the limitation, "receiving an employer request, new ground of rejection is introduced making reference to Nadkarni (U.S. Patent Application Publication Number 2002/0116391).

On Page 11, Applicant argued that *However it is inconsistent with claims 1 and 10 where Examiner correctly stated that Mittal does not explicitly disclose the limitation receiving an applicant request for a specified job*". Said reference is corrected to refer to Mittal in view of Farenden (Paragraph 0119) reference in the following office action. Any

other dependent claims not specifically addressed stand rejected in view of their dependency on rejected dependent claims and respective references.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3-4, 10, 11, and 13 are rejected 35 U.S.C. 103(a) as being unpatentable over Mittal et al. (hereinafter "Mittal") (U.S. Patent Application Publication

Art Unit: 2162

Number 2003/0125970) in view of Farenden (U.S. Patent Application Publication Number 2002/0128894).

Referring to claim 1, Mittal is directed to a method of managing job applicant data (Paragraphs 0048-0049), and teaches the limitations:

“receiving applicant data” (Paragraph 0048, i.e., *captured and stored*);

“storing the applicant data in a database” (Paragraph 0048, i.e., *captured and stored in a job seeker database*);

“linking one or more elements of the applicant data to an employer position” (Figure 6, step 402 :*Job seeker information mapped on Job Database* and Paragraph 0058, i.e., *The job seeker information (i.e., resume, dream job posting etc.) is mapped on the job database*); and

“providing a report profile whereby a resulting report relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions” (Paragraph 0058, i.e., *list of matching jobs and* Paragraph 0058).

Mittal does not explicitly disclose the limitation:

“receiving an applicant request for a specified job”.

Farenden teaches the limitation:

“receiving an applicant request for a specified job” (Paragraph 0119, i.e., *Candidates who request consideration for searched employment opportunity 403 must also complete a personal profile 405*). Also note the section on responses to Applicant’s argument above for this limitation.

Art Unit: 2162

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of receiving an applicant request for a specified job as taught by Farenden to the method of Mittal so that the resultant would receive an applicant request for a specified job. One would have been motivated to do so because it is well known in the art that job application systems receive/accepts applicant data for a specified job.

Claim 10 is rejected on the same basis as claim 1.

As per claim 3, Mittal teaches the limitation:

“wherein each employer position comprises a specified job or a job group that corresponds to one or more specified jobs” (Paragraph 0049 “list of matching jobs”).

Claim 13 is rejected on the same basis as claim 3.

Referring to claim 4, Mittal in view of Farenden teaches the limitations:

“storing, in the database, new hire data” (Farenden, Figure 2: SQL 19 and SQL 21, Paragraph 0083, Figure 64, Paragraph 0178, Figure 66, and Paragraph 0182); and

“linking one or more elements of the new hire data to an employer position, wherein the report resulting from the report profile further relates one or more elements of the new hire data for a plurality of new hires to one or more of the employer positions” (Mittal et al., Paragraph 0058, i.e., *list of matching jobs* and Paragraph 0058).

Claim 11 is rejected on the same basis as claim 4.

7. Claim 2, 5, 12, and 14 are rejected 35 U.S.C. 103(a) as being unpatentable over Mittal in view of Farenden and further in view of Freeman JR et al. (hereinafter "Freeman") (U.S. Patent Application Publication Number 2003/0050811).

Referring to claim 2, Mittal in view of Farenden does not explicitly teach the limitation: "wherein the element of applicant data comprise data indicative of gender and ethnicity".

Freeman teaches the limitation: "'wherein the element of applicant data comprise data indicative of gender and ethnicity" (Paragraph 0044, i.e., *information on applicant's sex and race*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of receiving an applicant data indicative of gender and ethnicity as by Freeman to the method of Mittal so that the resultant would receive an applicant data indicative of gender and ethnicity. One would have been motivated to do so because it is well known in the art that job application systems receive/accepts applicant data indicative of gender and ethnicity.

Claim 5, 12, and 14 are rejected on the same basis as claim 2.

Art Unit: 2162

8. Claim 6 and 15 are rejected 35 U.S.C. 103(a) as being unpatentable over Mittal in view of Farenden and further in view of Watson et al. (hereinafter "Watson") (U.S. Patent Number 6226624).

Referring to claim 6, Mittal in view of Farenden does not explicitly teach the limitation: "wherein an applicant request will be rejected unless at least one job is specified".

Watson teaches the limitation:

"wherein an applicant request will be rejected unless at least one job is specified" (Column 15 Lines 58-61, i.e., *In the present embodiment, however, a user/consumer is issued an account number that when used will be denied unless a specific transaction has been individually pre-authorized by the user/consumer*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of pre-authorizing/pre-selection a transaction (a job in the claimed application) by a consumer/user (applicant) is required for the transaction to be successful (applicant request to be accepted) to the method of Mittal in view of Farenden so that, in the resultant method, an applicant request will be rejected unless at least one job is specified. One would have been motivated to do so in order to preauthorize transactions (Watson, Column 3 Lines 64-66).

Claim 15 is rejected on the same basis as claim 6.

9. Claim 7-8, 16-19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal et al. in view of Farenden and further in view of Okamoto et al. (hereinafter "Okamoto")(U.S. Patent Application Publication Number 2002/0156674).

Referring to claim 7, Mittal in view of Farenden does not explicitly teach the limitation: "the step of displaying a list of available specified jobs ("job offer list") prior to the first receiving step".

Okamoto teaches the limitation:

"the step of displaying a list of available specified jobs ("job offer list") prior to the first receiving step" (Paragraph 0056, i.e., *job offer list*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of displaying a list of available specified jobs prior to the first receiving step, as taught by Okamoto, to the method of Mittal in view of Farenden so that the resultant method would comprise displaying a list of available specified jobs prior to the first receiving step. One would have been motivated to do so in order that job offer information status can be generated (Okamoto et al., Paragraph 0058) to be displayed to the applicant based on the his/her qualifications and requirements of the job specified.

Claim 16, 17, and 18 are rejected on the same basis as claim 7.

Referring to claim 8, Okamoto teaches the limitation:

“the step of providing a search engine whereby a user may search for available jobs prior to the first receiving step” (Paragraph 0067).

Claim 19 is rejected on the same basis as claim 8.

Referring to claim 21, Mittal in view of Farenden and further in view of is directed to a recruitment data management system (Mittal, Paragraphs 0048-0049) and teaches the limitations:

“means for receiving an applicant request for a specified job” (Mittal, Paragraph 0048, i.e., *posting of a desired job profile* in view of Paragraph 0119 of Farenden) and

“prohibiting receipt of a request unless a job is specified” (Okamoto, Paragraph 0056, Figure 4, and Paragraph 0057) ;

“means for receiving and storing applicant data that includes gender and ethnicity information” (Farenden, Paragraph 0092-0093); and

“means for providing a report that relates one or more elements of the applicant data for a plurality of applicants to one or more of the employer positions” (Mittal, Paragraph 0058, i.e., *list of matching jobs*).

Claims 22 and 23 are rejected on the same basis as claim 21.

10. Claim 9 and 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mittal in view of Farenden and further in view of McGovern et al. (hereinafter "McGovern") (U.S. Patent Number 5978768).

Referring to claim 9, Mittal in view of Farenden does not explicitly teach the limitation: "providing a jobs agent that periodically searches a database of available jobs and notifies a user when a job meeting user-specified criteria is available".

McGovern teaches the limitation:

"providing a jobs agent that periodically searches a database of available jobs and notifies a user when a job meeting user-specified criteria is available" (Column 6 Line 57-65, i.e., *the company site program* and Column 15 Line 59 through Column 16 Line 24).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the system and method for an automatic job agent as taught by McGovern et al. with the system and method taught by Mittal et al. as applied to claim 1 so that the combined system and method would further comprise the step of providing a jobs agent that periodically searches a database of available jobs and notifies a user when a job meeting user-specified criteria is available. One would have been motivated to do so in order to "assist a job seeker in locating available positions quickly and effectively" (McGovern et al., Column 3 Line 49-52).

Claim 20 is rejected on the same basis as claim 9.

Art Unit: 2162

11. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farenden in view of Freeman and further in view of Nadkarni (U.S. Patent Application Publication Number 2002/0116391).

Referring to claim 24, Farenden in view of Farenden and furthering view of Freeman is directed to a method of managing job application data (Farenden, Paragraph 0003) and teaches the limitations:

“receiving, from a plurality of applicants, an applicant request, wherein each applicant request includes a specified job and mandatory profile information” (Farenden, Paragraph 0119, i.e., *Candidates who request consideration for searched employment opportunity 403 must also complete a personal profile 405; and Freeman Paragraphs 0059-0060, i.e., first input data and secondary input data*);

“storing the mandatory profile information in a database” (Farenden, Paragraph 0123, i.e., *The system creates a profile for the candidate*) ; and

Farenden does not explicitly teach the limitations: “receiving an employer request for a report” and “ that includes selected portions of the mandatory profile information for the plurality of applicants”.

Nadkarni teaches the limitation:

“receiving an employer request for a report” (Nadkarni, Paragraph 0028, i.e., *the employer may request the system to perform automatic searches periodically (i.e., once a day) and alert the employer when new, qualified candidates are found*)

Art Unit: 2162

“that includes selected portions of the mandatory profile information for the plurality of applicants”(Freeman Paragraphs 0079-0080. Also note the section on response to arguments for this limitation).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of receiving employer request for a report on candidates, as taught by Nadkarni and the feature of generating such a report, as taught by Freeman, to the method of Farenden so that the resultant method would also receive employer request a report which relates to selected portions of candidate profile. One would have been motivated to do so in order for the employer to find qualified candidates (Nadkarni, Paragraph 0028).

Referring to claim 25, Freeman teaches the limitation:

“wherein the mandatory profile information includes gender or ethnicity information, and the report includes a profile of the gender or ethnicity of all applicants for the specified job” (Paragraph 0044, i.e., *information on applicant's sex and race; Paragraphs 0059-0060, i.e., first input data and secondary input data; and Paragraphs 0079-0080, i.e., active candidates portion and sorting the pool of applicants*).

Referring to claim 26, Freeman teaches the limitation:

"wherein the report includes a profile of selected categories of the mandatory profile information related to a group tied to one or more job positions" (Paragraph 0079-0080, i.e., *sorting by desired profession*).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2162

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

Examiner

AU-2162

A handwritten signature in black ink, reading "John E. Breene". The signature is written in a cursive style with a large, stylized "J" and "B".

JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100